

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA,
:
:
-against- :
:
KEVIN JOHNSON, :
:
Defendant. :
----- X

15-CR-565 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS the Office of Chief Medical Examiner has stated that it does not oppose vacating the protective order as it relates to the FST source code [Dkt. 148];

WHEREAS the United States has stated that it does not oppose ProPublica's Motion for Leave to Intervene, Lift the Protective Order, and Unseal Judicial Records [Dkt. 146];

WHEREAS the Second Circuit has recognized the right of public access to judicial records (*see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006));

WHEREAS this Court ordered all parties to show cause by Friday, October 13, 2017, why the Court should not unseal all sealed and redacted records in this matter [Dkts. 149, 150];

WHEREAS Defendant Kevin Johnson requested that redacted materials related to his and another's personal genetic profiles, as well as redacted content in his sentencing submission, remain sealed [Dkt. 151]; and

WHEREAS two of the documents containing redacted personal genetic information also contain redacted information related to the FST source code that this Court seeks to unseal [Dkts. 99-5, 110-1];

IT IS HEREBY ORDERED that the following items remain under seal: Appendix I to Defendant's memorandum in support of his motion in limine [Dkt. 99-1]; Exhibits C, P, and Q to Defendants memorandum in support of his motion in limine [Dkts. 99-5, 99-18, 99-19]; Exhibit


A to Defendant's reply memorandum in support of his motion in limine [Dkt. 110-1]; and Exhibits A and B to Defendant's sentencing submission [Dkts. 132-1, 132-2].

IT IS HEREBY FURTHER ORDERED that, with the exception of the records listed immediately above, all sealed and redacted materials in this matter are unsealed.

IT IS HEREBY FURTHER ORDERED that Defendant refile Exhibit C to his memorandum in support of his motion in limine [Dkt. 99-5], and Exhibit A to his reply memorandum in support of his motion in limine [Dkt. 110-1], removing all redactions *except* those related to Defendant's and another's personal genetic profiles, namely in Figures C.4 and C.9, and Figures A.1, A.2, and A.3, respectively.

SO ORDERED.

Date: October 16, 2017
New York, New York


VALERIE CAPRONI
United States District Judge